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By: **Delegates Morhaim, Bobo, McIntosh, and Montgomery**

Introduced and read first time: February 4, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Statewide Computer Recycling Program**

3 FOR the purpose of establishing the Statewide Computer Recycling Program in the  
4 Department of the Environment; requiring the Office of Recycling in the  
5 Department of the Environment to administer the Program; authorizing, on or  
6 after a certain date, computer manufacturers to submit to the Department a  
7 certain environmental compliance plan; requiring the Department, upon certain  
8 determinations, to certify and renew the certification of a manufacturer's plan;  
9 establishing a State Computer Recycling fee; requiring, on or before a certain  
10 date, the Department to establish the fee in regulation; requiring, on or after a  
11 certain date, retailers to collect the fee on the sale of certain computers;  
12 providing for the administration of the fee; establishing the Statewide Computer  
13 Recycling Fund to support the development of computer recycling systems  
14 throughout the State; requiring the Department to adopt certain regulations;  
15 defining certain terms; and generally relating to the Statewide Computer  
16 Recycling Program.

17 BY repealing and reenacting, with amendments,  
18 Article - Environment  
19 Section 9-1702(d)  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 2004 Supplement)

22 BY adding to  
23 Article - Environment  
24 Section 9-1727 through 9-1731 to be under the new part "Part IV. Statewide  
25 Computer Recycling Program"  
26 Annotated Code of Maryland  
27 (1996 Replacement Volume and 2004 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Environment**

2 9-1702.

3 (d) The Office shall:

4 (1) Assist the counties in developing an acceptable recycling plan  
5 required under § 9-1703 of this subtitle and § 9-505 of this title, including technical  
6 assistance to the local governments;7 (2) Coordinate the efforts of the State to facilitate the implementation of  
8 the recycling goals at the county level; [and]9 (3) Review all recycling plans submitted as part of a county plan as  
10 required under § 9-505 of this title and advise the Secretary on the adequacy of the  
11 recycling plan; AND12 (4) ADMINISTER THE STATEWIDE COMPUTER RECYCLING PROGRAM  
13 UNDER PART IV OF THIS SUBTITLE.

14 9-1725. RESERVED.

15 9-1726. RESERVED.

16 **PART IV. STATEWIDE COMPUTER RECYCLING PROGRAM.**

17 9-1727.

18 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

19 (B) (1) "COMPUTER" MEANS A DESKTOP COMPUTER, PERSONAL COMPUTER,  
20 OR LAPTOP COMPUTER.

21 (2) "COMPUTER" DOES NOT INCLUDE:

22 (I) A PERSONAL DIGITAL ASSISTANT DEVICE; OR

23 (II) A COMPUTER PERIPHERAL DEVICE, INCLUDING:

24 1. A MOUSE OR OTHER SIMILAR POINTING DEVICE;

25 2. A PRINTER; OR

26 3. A DETACHABLE KEYBOARD.

27 (C) "MANUFACTURER" MEANS THE CORPORATION OR OTHER LEGAL ENTITY  
28 THAT IS THE BRAND OWNER OR IMPORTER OF A COMPUTER SOLD IN THE STATE.29 (D) "RECYCLING SYSTEM" MEANS THE COLLECTION, PACKAGING,  
30 TRANSPORTATION, AND RECYCLING OF A COMPUTER THAT HAS BEEN DISCARDED.

1 9-1728.

2 (A) ON OR AFTER JANUARY 1, 2006, A MANUFACTURER MAY SUBMIT AN  
3 ENVIRONMENTAL COMPLIANCE PLAN FOR COMPUTERS TO THE DEPARTMENT.

4 (B) THE ENVIRONMENTAL COMPLIANCE PLAN SHALL INCLUDE:

5 (1) A DESCRIPTION OF THE ACTIONS TAKEN AND PLANNED BY THE  
6 MANUFACTURER TO DESIGN ITS COMPUTERS SO THAT THE COMPUTER IS:

7 (I) EASILY BROKEN DOWN INTO RECYCLABLE COMPONENTS; AND

8 (II) CONTAINS THE LEAST ACHIEVABLE AMOUNT OF HAZARDOUS  
9 MATERIALS;

10 (2) A DESCRIPTION OF ANY COMPUTER RECYCLING OR REUSE EFFORTS  
11 CONDUCTED OR SUPPORTED BY THE MANUFACTURER, INCLUDING RECYCLING  
12 CONTRACTS WITH BUSINESSES LOCATED IN THE STATE; AND

13 (3) ANY INFORMATION REQUIRED BY THE DEPARTMENT IN  
14 REGULATION.

15 (C) (1) AFTER REVIEW OF THE MANUFACTURER'S ENVIRONMENTAL  
16 COMPLIANCE PLAN, IF THE DEPARTMENT DETERMINES THAT IMPLEMENTATION BY  
17 THE MANUFACTURER OF THE PLAN WILL SIGNIFICANTLY REDUCE THE AMOUNT OF  
18 COMPUTER WASTE ENTERING THE SOLID WASTE STREAM, THE DEPARTMENT SHALL  
19 CERTIFY THE MANUFACTURER'S PLAN.

20 (2) A CERTIFICATION GRANTED OR RENEWED UNDER THIS SECTION IS  
21 VALID FOR 2 YEARS.

22 (3) (I) PRIOR TO THE EXPIRATION OF THE CERTIFICATION, A  
23 MANUFACTURER MAY APPLY TO THE DEPARTMENT FOR A CERTIFICATION  
24 RENEWAL.

25 (II) THE APPLICATION FOR RENEWAL SHALL INCLUDE:

26 1. DETAILS OF THE MANUFACTURER'S IMPLEMENTATION OF  
27 THE ORIGINAL ENVIRONMENTAL COMPLIANCE PLAN; AND

28 2. ANY INFORMATION REQUIRED BY THE DEPARTMENT IN  
29 REGULATION.

30 9-1729.

31 (A) THERE IS A STATE COMPUTER RECYCLING FEE.

32 (B) THE FEE SHALL BE:

33 (1) ON OR BEFORE JULY 1, 2006, ESTABLISHED IN REGULATION BY THE  
34 DEPARTMENT AT A LEVEL THAT ENSURES FUNDING SUFFICIENT TO IMPLEMENT

1 AND OPERATE THE STATEWIDE COMPUTER RECYCLING PROGRAM ESTABLISHED  
2 UNDER THIS PART;

3 (2) ON OR AFTER JULY 1, 2006, IF THE COMPUTER'S MANUFACTURER  
4 DOES NOT HAVE A CERTIFIED ENVIRONMENTAL COMPLIANCE PLAN FOR  
5 COMPUTERS, IMPOSED ON THE FIRST SALE OF A NEW COMPUTER BY A RETAILER TO  
6 A CONSUMER IN THE STATE; AND

7 (3) COLLECTED BY THE RETAILER AT THE TIME OF THE SALE.

8 (C) ON OR BEFORE THE 21ST DAY OF THE MONTH THAT FOLLOWS THE MONTH  
9 IN WHICH THE SALE WAS MADE, THE RETAILER SHALL SUBMIT TO THE  
10 COMPTROLLER OF THE TREASURY:

11 (1) AN ACCOUNTING, UNDER PENALTIES OF PERJURY, OF ANY FEES  
12 COLLECTED UNDER THIS SECTION; AND

13 (2) ANY FEES COLLECTED, LESS THE ADMINISTRATIVE COSTS  
14 AUTHORIZED UNDER SUBSECTION (D) OF THIS SECTION.

15 (D) A RETAILER WHO TIMELY SUBMITS AN ACCOUNTING OF THE FEES  
16 COLLECTED AND PAID IS ALLOWED, FOR THE EXPENSE OF ADMINISTERING THE  
17 COLLECTION AND PAYMENT OF THE FEES, A CREDIT EQUAL TO 1.2% OF THE GROSS  
18 AMOUNT OF THE STATE COMPUTER RECYCLING FEES THAT THE RETAILER IS TO PAY  
19 TO THE COMPTROLLER.

20 (E) IF THE AMOUNT OF THE STATE COMPUTER RECYCLING FEE IS  
21 SEPARATELY STATED IN A RETAIL SALE, THE FEE IS NOT SUBJECT TO ANY TAX  
22 UNDER TITLE 11 OF THE TAX - GENERAL ARTICLE.

23 (F) AT THE END OF EACH QUARTER, THE COMPTROLLER SHALL FORWARD  
24 ALL STATE COMPUTER RECYCLING FEES TO THE STATEWIDE COMPUTER RECYCLING  
25 FUND, LESS THE COSTS OF ADMINISTRATION.

26 9-1730.

27 (A) THERE IS A STATEWIDE COMPUTER RECYCLING FUND.

28 (B) THE PURPOSE OF THE FUND IS TO SUPPORT THE DEVELOPMENT OF  
29 COMPUTER RECYCLING SYSTEMS THROUGHOUT THE STATE.

30 (C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

31 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
32 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

33 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
34 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

35 (E) THE FUND CONSISTS OF:

1 (1) REVENUES DISTRIBUTED TO THE FUND UNDER § 9-1729 OF THIS  
2 PART;

3 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

4 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
5 BENEFIT OF THE FUND.

6 (F) IN ACCORDANCE WITH THE STATE BUDGET, THE FUND MAY BE USED  
7 ONLY FOR:

8 (1) COSTS INCURRED IN CONDUCTING PUBLIC OUTREACH TO EDUCATE  
9 THE PUBLIC ON:

10 (I) THE IMPORTANCE OF RECYCLING COMPUTERS; AND

11 (II) SITES WHERE COMPUTERS MAY BE RECYCLED;

12 (2) FOR ACTIVITIES RELATED TO COMPUTER RECYCLING PROGRAMS,  
13 INCLUDING RESEARCH, PLANNING, MONITORING, PUBLIC EDUCATION, AND MARKET  
14 DEVELOPMENT, AND FOR ASSOCIATED ADMINISTRATIVE COSTS; AND

15 (3) TO PROVIDE GRANTS TO LOCAL GOVERNMENTS FOR COSTS RELATED  
16 TO THE IMPLEMENTATION OF COUNTY OR REGIONAL COMPUTER RECYCLING  
17 SYSTEMS.

18 (G) (1) THE TREASURER SHALL INVEST THE MONEY IN THE FUND IN THE  
19 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

20 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO  
21 THE GENERAL FUND OF THE STATE.

22 (H) (1) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
23 DEPARTMENT SHALL PROVIDE THE STANDING COMMITTEES OF THE MARYLAND  
24 GENERAL ASSEMBLY WITH PRIMARY JURISDICTION OVER THE PROVISIONS OF THIS  
25 PART WITH A STATUS REPORT ON THE FUND ON OR BEFORE NOVEMBER 1 OF EACH  
26 YEAR.

27 (2) THE REPORT SHALL INCLUDE AN ACCOUNTING OF ALL MONEY  
28 EXPENDED FOR EACH OF THE PURPOSES SPECIFIED IN SUBSECTION (F) OF THIS  
29 SECTION.

30 9-1731.

31 THE SECRETARY SHALL ADOPT REGULATIONS THAT:

32 (1) ESTABLISH PROCEDURES FOR THE SUBMISSION AND CRITERIA FOR  
33 THE CERTIFICATION OF A MANUFACTURER'S ENVIRONMENTAL COMPLIANCE PLAN  
34 SUBMITTED UNDER § 9-1728 OF THIS SUBTITLE;

1           (2)     ESTABLISH PROCEDURES FOR THE APPLICATION FOR AND CRITERIA  
2 FOR THE AWARDING OF GRANTS UNDER § 9-1730 OF THIS SUBTITLE; AND

3           (3)     CARRY OUT THE PROVISIONS OF THIS PART.

4     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 2005.